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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/817,438	10/02/1997	GUY NATHAN	871-36	8158

7590

06/20/2002

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/817,438

Applicant(s)

Nathan, et al

Examiner

Reuben Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 2, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/02 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 27-30 have been considered but are moot in view of the new ground(s) of rejection.

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo, (U.S. Pat # 5,619,247), in view of Ullrich, (U.S. Pat # 5,583,937).

Considering claim 27, the claimed system for selectively distributing audiovisual items on a coaxial CATV network including a plurality of channels, comprising a jukebox device storing a plurality of audiovisual items, wherein the jukebox device communicates with the CATV network via a dedicated channel of the plurality of channels is met by the disclosure of Russo. The instant reference is directed to an entertainment system at a subscriber site, which stores audiovisual items in one or more storage devices, (Abstract; col. 4, lines 10-35; col. 7, lines 1-50) and is enabled to communicate with a headend/database over dedicated channel, (col. 3, lines 59-64; col. 9, lines 1-24).

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The claimed feature of the jukebox being connected to a telephone switching system for receiving selection information for selecting the audiovisual items reads on col. 3, lines 58-60 & col. 9, lines 11-15, which teaches that the user entertainment system preferably receives data over a telephone line. It is disclosed that supplementary information, which may included future schedule information may be transmitted over a telecommunications block 140, (col. 8, lines 58-67 thru col. 9, lines 1-4). Russo teaches that the cable box 4 and record/play controller 10 may be included within a single unit, (col. 3, lines 65-67). The claimed plurality of TV sets connected to the CATV network for receiving the audiovisual items is necessarily included in Russo, since the video programs are displayed on a TV set 8, (Fig. 1; col. 3, lines 50-54).

The claimed system for connecting a plurality of telephone sets, each being associated with a TV set, connected to the telephone switching system for transmitting selection information, reads on the operation of Russo that teaches a subscriber relaying program selection info over a telephone communication system, (col. 6, lines 9-11).

The claimed telephone switching system arranged for receiving a specified call number by any one of the telephone sets, reads on the operation of Russo. However, Russo does not teach the claimed system for recognizing a specific call number, nevertheless at the time the invention was made, automatic number indication (ANI) technology was very well known in the art. In particular Ullrich, which is directed to similar subject matter as Russo, teaches that when a

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subscriber calls in a request for a particular movie, that an ANI device 54 recognizes the calling phone number and determines the identification of the caller, (Fig. 1; col. 7, lines 1-11). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Russo with the teachings of Ulrich, at least for the desirable benefit of more accurately identifying the subscriber, which made a call to order video programming.

As for the additionally claimed feature of calling the jukebox upon receiving the specific call number and transmitting to the jukebox the identification information, such that the jukebox is arranged to transmit the audiovisual items selection information to the associated TV set when the identification information is received, see Russo col. 6, lines 9-35. The instant passage teaches that audiovisual items data which is stored in the storage device may be prevented from being viewed until an authorization code is received. Clearly the authorization code information is necessarily addressed to a particular subscriber site. The passage discusses that the entertainment system is unlocked by the authorization code but does not explicitly state that the audiovisual items are prevented from being transmitted to TV.

Nevertheless, it would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Russo in a manner wherein the audiovisual items are blocked from transmission to the Tv set until an authorization code is received from the network, at least for the desirable improvement of preventing as yet unauthorized customers from viewing even

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portions of a particular movie. In fact, Russo teaches that this technique may be used to block children from viewing/listening to scrambled programs, see col. 11, lines 25-30.

Considering claims 28 & 30, Russo teaches that billing information is transmitted to a billing center, (col. 3, lines 60-64 & col. 6, lines 34-55).

Considering claim 29, the claimed method for selectively distributing audiovisual items on a coaxial network corresponds with subject matter mentioned above in the rejection of claim 27 and is likewise analyzed.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Bradley Teaches a subscriber ordering video programming over a telephone network.

B) Beyers Teaches an addressable controller, which receives data over a dedicated channel, (col. 5, lines 58-64).

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label


"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600